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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/034,415 03/04/98 MICHAUD P 1798-7267

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EXAMINER

CROSS, L

ART UNIT	PAPER NUMBER
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1721

DATE MAILED: 06/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/034,415

Applicant(s)
Michaud

Examiner
Cross, LaToya I.

Group Art Unit
1721



☒ Responsive to communication(s) filed on Mar 4, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Election/Restriction

The restriction of claims 1-15 which was previously required is now withdrawn. Claims 1-15 are being prosecuted in this Office Action.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The following are informalities which were noted in the specification: at page 3, line 15, the term "as" should be "a".

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 6, 7, 11, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 4 contains the term "fluorinated" which appears to be misspelled.

Claim 6 recites the limitation "fluorinated hydrocarbon" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 contains the term "wiht" which appears to be misspelled.

The manner in which claim 11 is written is unclear. It is not understood as to what Applicants intend by this claim.

Claim 13 recites a particular boiling point for a component in the composition. Do Applicants intend that this is the boiling point for the fluorinated solvent?

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-6, 9, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,346,645 to Omure et al (herein referred to as Omure et al '645).

Applicants claimed invention is directed to a composition comprising at least one surface active agent, at least one fluorinated solvent, and at least one fluorinated alcohol. Applicants also claim a method of using the composition in the dewetting of solid surfaces.

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Omure et al '645 discloses a desiccant composition (dewetting composition) and a method of desiccating articles. The composition comprises an alcohol and a fluorinated hydrocarbon solvent. (See abstract.) The alcohol may be a fluorinated alcohol, such as trifluoroethanol and pentafluoropropanol (col. 2, lines 66-68). The alcohol may be present in an amount of 3-15% by weight such as recited by Applicants in instant claims 9 and 14. (See claim 7 of Omure et al '645). The fluorinated hydrocarbon solvent may be a perfluorohexane or other fluoroalkane, such as instantly recited by Applicants in claim 6. Omure et al '645 discloses the additional use of surfactants in such desiccating compositions (col. 1, lines 28-32 and col. 3, lines 45-49).

Omure et al '645 differ from the instantly claimed invention in that while Omure et al '645 discloses the boiling point of the entire desiccating composition, the boiling point of the fluorinated solvent is not disclosed.

Omure et al '645 discloses that the boiling point of the desiccating composition is 40-80°C (col. 3, lines 11-13). Applicants claim a boiling point range for the fluorinated solvent of 20-100°C. The boiling point of the composition of Omure et al '645 is in the same range. It would have been obvious to one of ordinary skill in the art to make Applicants' claimed invention since Omure et al '645 uses the same solvent within Applicants' claimed range.

Therefore, for the reasons set forth above, Applicants' claimed invention is deemed to be obvious, within the meaning of 35 U.S.C. 103, in view of the teachings of Omure et al '645.

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5. Claims 7, 8, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omure et al '645 as applied to claims 1, 2, 4-6, 9, and 12-14 above, and further in view of U.S. Patent 5,514,301 to Bil et al (herein referred to as Bil et al '301).

Omure et al '645 further differ in that the specific surfactants claimed by Applicants are not disclosed.

Bil et al '301 teaches compositions for dewetting solid surfaces, also. The compositions of Bil et al '301 comprise halogenated solvents such as fluorinated alkanes (col. 2, lines 47-67) and surface active agents, similar to those of Omure et al '645. The surface active agents are prepared by the reaction of alkylphosphoric acids, fluorinated amine and a quaternary ammonium chloride in solution with a halogenated solvent (col. 3, lines 11-24), such as recited in instant claim 7. The amount of surfactant employed in such dewetting compositions is from 0.01% up to about 30% by weight, such as recited in instant claims 10 and 15 (col. 2, lines 33-39).

Thus, because it is known in the art to employ surfactants such as those instantly claimed by Applicants into dewetting compositions, it would have been obvious to one of ordinary skill in the art to employ the surfactants taught by Bil et al '301 into the dewetting compositions of Omure et al '645, with the expectation of resulting in a dewetting composition such as instantly claimed by Applicants.

Therefore, for the reasons set forth above, Applicants' claimed invention is deemed to be obvious, within the meaning of 35 U.S.C. 103, in view of the teachings of Omure et al '645 and in view of Bil et al '301.

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6. Claims 1-6, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the abstract of Japanese Publication 05293303 assigned to Asahi Chemical Corp (herein referred to as Asahi '303) in view of U.S. Patent 3,957,672 to Zisman et al (herein referred to as Zisman et al '672).

Applicants claimed invention is directed to a composition comprising at least one surface active agent, at least one fluorinated solvent, and at least one fluorinated alcohol. Applicants also claim a method of using the composition in the dewetting of solid surfaces.

Asahi '303 discloses a moisture stripping composition comprising a fluorinated solvent, a fluorine surfactant, and a fluorinated alcohol (pentafluoropropanol) such as instantly recited in claim 1. The fluorinated solvent may be perfluorohexane such as recited in instant claim 6. The boiling point of the fluorinated solvent is 30-50°C, such as recited in instant claims 4 and 13.

Asahi '303 differs from the instantly claimed invention in that the specific fluorinated alcohol is not disclosed.

Zisman et al '672 teach surfactant compositions for use in displacing aqueous or organic liquid films from solid surfaces. The compositions of Zisman et al '672 comprises a fluorinated solvent, such as fluorinated alkanes, and fluorinated alcohols, similar to the dewetting compositions of Asahi '303. The fluorinated alcohol of Zisman et al '672 may be those similar to those instantly claimed by Applicants having the formula $F(CF_3)_m(CH_2)_nCH_2OH$, wherein m is 1-10, and n is 1-15. Zisman's formula for fluorinated alcohols embraces Applicants' preferred fluorinated alcohol of claim 5, tridecafluorooctanol.

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Because, Zisman et al '672 teach Applicants preferred fluorinated alcohols in composition for dewetting compositions such as those disclosed by Asahi '303, it would have been obvious to one of ordinary skill in the art to employ the fluorinated alcohols of Zisman et al '672 into the dewetting compositions of Asahi '303 with the expectation of resulting in a dewetting composition, similar to that instantly claimed by Applicants.

Therefore, for the reasons set forth above, Applicants' claimed invention is deemed to be obvious, within the meaning of 35 U.S.C. 103, in view of the teachings of Asahi '303 and in view of Zisman et al '672.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaToya I. Cross whose telephone number is (703) 305-7360. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharon Gibson, can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

LIC
July 4, 1999

CYNTHIA HARRIS KELLY
PRIMARY EXAMINER
GROUP 1200-1721

